Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KETAN SAMPAT, TROY ACOTT, GUNNER DANNEELS, RAMAMURTHY SIVAKUMAR, and GALEN SPOONER

Appeal No. 1997-1874
Application No. 08/134,025

ON BRIEF

Before JERRY SMITH, FLEMING, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 6, 9 through 15, 18 through 22, and 25 through 28, which are all of the claims pending in this application.

Appellants' invention relates to a client, a server, and a method for a network-based multicast system. The client includes at least two media service providers for receiving

and playing two related data streams of a first multicast channel from a media services manager. A client application informs the media services manager of selection of a second multicast channel to replace the selection of the first multicast channel, and the media services manager automatically loads and opens media service providers for data streams of the second channel not part of the first channel and automatically closes and unloads media service providers for data streams of the first channel not part of the second channel. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A client for a network-based multicast system, comprising:

(a) a media services manager for receiving a first multicast channel from a non-isochronous network, wherein the first multicast channel comprises at least two related data streams;

(b) at least two media service providers for receiving and playing said related data streams from said media services manager; and

(c) a client application for informing the media services manager of selection of the first multicast channel, wherein:

the media services manager loads and opens one of the media service providers for each related data stream of the first multicast channel;

each media service provider receives and plays one of the related data streams of said first multicast channel;

the at least two media service providers comprise a first media service provider and a second media service provider;

the at least two related data streams comprises [sic, comprise] a first related data stream and a second related data stream;

the first media service provider plays the first related data stream based on a relationship with the second related data stream played by the second media service provider to coordinate the playing of the first and second data streams;

the client application informs the media services manager of selection of a second multicast channel to replace the section of the first multicast channel;

the media services manager automatically loads and opens one of the media service providers for each related data stream of the second multicast channel not comprised in the first multicast channel; and

the media services manager automatically closes and unloads one of the media service providers for each related data stream of the first multicast channel not comprised in the second multicast channel.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Edem et al. (Edem)	5,361,261	Nov. 01, 1994 (filed Nov. 02, 1992)
Palmer et al. (Palmer)	5,375,068	Dec. 20, 1994 (filed Jun. 03, 1992)

Dinallo et al. (Dinallo) 5,487,167 Jan. 23, 1996
(Effective filing date Dec. 31, 1991)

Claims 1 through 6, 9 through 15, 18 through 22, and 25 through 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Palmer in view of Edem and Dinallo.

Reference is made to the Examiner's Answer (Paper No. 20, mailed March 6, 1996), the First Supplemental Examiner's Answer (Paper No. 23, mailed July 15, 1996), and the Second Supplemental Examiner's Answer (Paper No. 25, mailed December 15, 1996) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (Paper No. 18, filed August 11, 1995), Reply Brief (Paper No. 22, filed April 22, 1996), and Supplemental Reply Brief (Paper No. 24, filed September 19, 1996) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 6, 9 through 15, 18 through 22, and 25 through 28.

Regarding claim 1, appellants contend that Palmer, Dinallo, and Edem do not teach "changing the selection of multicast channels" and "a media services manager that automatically loads/opens and/or closes/unloads different media service providers, as appropriate, when the selection of multicast channel changes." The examiner contends (Second Supplemental Answer, page 2) that Palmer shows changing the selection of channels in that one workstation can establish connection with one or more workstations simultaneously and can terminate the connection with any given workstation. In other words, the examiner argues that if a workstation A in Palmer decides to terminate its connection with workstation B and begin communicating with workstation C, then Palmer would be replacing a first multicast channel between A and B with a second multicast channel between A and C.

Assuming that the examiner's interpretation of terminating and initiating connections with different workstations in Palmer meets the claim limitation of selecting a second multicast channel to replace the first multicast channel, we cannot agree that the combination of references includes "a media services manager that automatically

loads/opens and/or closes/unloads different media service providers, as appropriate when the selection of multicast channel changes."

The examiner admits (Second Supplemental Answer, page 2) that Palmer does not explicitly teach this claim limitation. However, the examiner states that he "believes that this is an obvious feature of Palmer because for each channel Palmer has to open up additional providers." We find the reference unclear as to whether Palmer automatically loads and opens providers for data streams not in the first multicast channel but in the second one and closes and unloads providers for data streams in the first multicast channel but not in the second one.

The examiner turns to Dinallo for the use of plural media drivers for driving audio and video media devices "where the manager automatically selects and invokes the media drivers to perform the needed function" (see Second Supplemental Answer, page 5). The examiner concludes (Second Supplemental Answer, page 5) that it would have been obvious to combine the media service manager of Dinallo with Palmer to "allow the combined system to optimize performance of data streaming in multimedia

system thereby allowing automatic loading and unloading of the media service providers." However, nowhere do the references suggest such a reason for combining. Further, although the portion of Dinallo relied upon by the examiner may suggest that the media service manager opens and loads needed media drivers, it fails to teach the automatic closing and unloading of unneeded media drivers. Thus, the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claim 1 and its dependents, claims 2 though 6 and 9.

Claim 10 includes in method format the same limitation of automatically loading and opening media service providers needed for the second channel but not for the first and automatically unloading and closing media service providers needed for the first channel but not for the second. Accordingly, we will reverse the rejection of claim 10 and its dependents, claims 11 through 15 and 18, for the same reasons as above.

Claims 19 and 25 parallel claims 1 and 10, respectively, reciting substantially the same elements or steps but in a server rather than in a client. Thus, claims 19 and 25

include the same limitations found lacking above. Consequently, we cannot sustain the rejection of claims 19, 25, and their dependents, claims 20 through 22 and 26 through 28.

CONCLUSION

The decision of the examiner rejecting claims 1 through 6, 9 through 15, 18 through 22, and 25 through 28 under 35 U.S.C. § 103 is reversed.

REVERSED

JERRY SMITH Administrative Patent Judge	)
MICHAEL R. FLEMING Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
ANITA PELLMAN GROSS Administrative Patent Judge	)

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